IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 33460 of 2006(G)

PETITIONER:

MRS.PREMA.V., ANGANVADY WORKER,
AMBAYAKUNDU ANGANAVADI, D/O.RAMAN,
VAYAKKARA, PUTHOOR, PANOOR.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:

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1. SECRETARY TO GOVT.,
DEPARTMENT OF SOCIAL WELFARE (B),
GOVT. SECRETARIAT, TRIVANDRUM.

2. THE DISTRICT OFFICER,
DEPARTMENT OF SOCIAL WELFARE,
CIVIL STATION, KANNUR.

3. THE DISTRICT COLLECTOR,
KANNUR.

BY GOVT. PLEADER MR. BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 33460 OF 2006 G
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Dated this the 25th January, 2007

J U D G M E N T

The petitioner had rendered service for a few months as Anganvadi worker. Presently she remains unemployed. Government have passed Ext. P1 order dated 11-10-2006 laying down the principles to be followed for regularising the services of Anganvadi workers and helpers working on temporary basis as also similar employees whose services have been terminated, but are eligible to be reinstated in service on satisfying the conditions mentioned in Ext. P1 Govt. Order. Ext. P1 order has been modified by Ext. P3 Govt. Order dated 6-1-2007. It is seen that some of the conditions mentioned in Ext. P1 have been liberalised. The petitioner feels that she is likely to be included in the list to be prepared pursuant to Ext. P3 Govt. Order. However, she has advanced a contention which has got general importance and wants the Government to look into her grievance which could be redressed if that contention is accepted. It is pointed out that neither in Ext. P1 nor in Ext. P3 order, the Government

have stated anything regarding the right of Scheduled Castes, Scheduled Tribes and Other Backward Communities for claiming appointments based on reservation of posts.

2. It is contended that posts of Anganvadi workers and helpers are posts sanctioned by the Government and form part of the public service. Rules 14 to 17 of K.S. & S.S.R. have been made applicable not only to members who are governed by the said rules but also to employees who are governed by other rules like Special Rules for Last Grade Servants. Government have issued orders directing the public sector undertakings under the State of Kerala to apply the above rules in the matter of appointment to posts in those institutions. Government owned Companies, Corporations and Boards also are following these rules. That being the position Rules 14 to 17 shall be made applicable to appointments in Anganvadies and therefore the petitioner who belongs to Chaliya community which is included in the list of Other Backward Communities will be able to work out her claim for appointment based on the reservation she may become entitled under those

rules. According to the petitioner, Government have inadvertently omitted to take note of the application of Rules 14 to 17 of K.S. & S.S.R. while issuing Exts. P1 and P3 and that the same has to be supplied immediately.

3. I think, this is a matter which has to be considered by the Government. If, as stated by the petitioner, Government committed an inadvertent omission to mention anything regarding Rules 14 to 17, K.S. & S.S.R., it will be open to the Government to supply that omission by issuing appropriate orders. Even otherwise, it is a matter which should draw the attention of the Government and the Government shall seriously consider whether provisions of Rules 14 to 17 shall not be applied to the appointments of Anganvadi workers and helpers in the Social Welfare Department, particularly for the reason, that those aspire to get appointment to the above posts come from the lowest strata of the society, most of them belonging to Scheduled Castes, Scheduled Tribes and Other Backward Communities.

4. Hence, there shall be an order directing the 1st

respondent to consider Ext. P2 in the light of the observations made above and to pass appropriate orders within six weeks from the date of receipt of a copy of the judgment.

The writ petition is disposed of as above.

K.K. DENESAN
JUDGE

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